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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,725	06/21/2000	Atul N. Sinha	PHA 23,720P	7040

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EXAMINER

HO, DUC CHI

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/598,725

Applicant(s)

SINHA, ATUL N.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by McNiff et al. (US 6,560,216), hereinafter referred as McNiff.

Regarding claim 1, McNiff discloses a data network computing device call processing.

*enabling access to a gateway for interfacing with a mobile telephone* (a service node or gateway 130-fig. 1 includes program instruction for configuring interface circuits such as a transmitter, a receiver to communicate with a mobile device 148, see column 2, lines 47-54, and column 3-57 to column 4-line 48), and

*enabling access between the gateway and the data network* (the node 130 includes program instruction configuring a device such as a protocol converter for translation between a packet data protocol of a data network 102-fig. 1 and a circuit switched protocol, thereby

providing communications for a mobile phone to access the gateway and the data network 102-fig. 1)

Regarding claims 3, and 10, the PSTN 138-fig. 1 is accessible to the gateway 130 via a MSC, wherein the user profile of a mobile telephone device stored within the database 164 enables a wired phone (from the PSTN) or a mobile phone (from a RBS) to communicate with the device, see column 4, lines 3-6.

Regarding claims 4, and 5, a device belongs to or connected to a data network 102 is able to access to the gateway 130 for communication with a wireless device 148-fig. 1 or to access to the PSTN 138 via the gateway 130 for a wired call.

Regarding claim 6, the PSTN is able to connect a phone call originating from the data network in response to a designated telephone numbers of the called phone device entered.

Regarding claim 7, McNiff discloses a data network computing device call processing, in which the data network 102-fig. 1 could be the Internet.

*providing a network access to a gateway for interfacing between the mobile telephone and the Internet* (the data network node or the gateway 130-fig. 1 comprises program instructions that are used to configure interface circuits for providing network access between the mobile device 148 and the Internet 102, see column 2, lines 47-54, and column 3-57 to column 4-line 48).

Regarding claim 11, figure 3 inherently discloses a first part of request for communication from a mobile computing device to the Internet via a service node gateway.

Regarding claim 13, McNiff discloses a data network computing device call processing.

*a communication device that is configured to communicate with a mobile telephone* (a service node or gateway 130-fig. 1 inherently includes interface circuits such as transmitter and receiver for communicating with a mobile device 148, see column 2, lines 47-54, and column 3-57 to column 4-line 48), *and*

*a network access device that is configured to communicate with a data network ( the node 130 inherently includes a device such as a protocol converter for translation between the packet data protocol and the circuit switched protocol, thereby providing communications with the mobile phone via the data network 102-fig. 1 ), and to provide thereby communications with the mobile telephone via the data network.*

Regarding claim 14, the data network 102-fig. 1 could be the Internet, see column 12, lines 43-44.

Regarding claims 15, and 8, the node 130 includes software for facilitating connection between a mobile telephone 148-fig. 1 and other telephone instruments, e.g., MSC, HLR via an IP address, see column 4, lines 9-49.

Regarding claim 16, the mobile telephone 148 has a permanent IP address, see column 4, lines 56-58.

Regarding claims 17, 2, and claim 9, the data base 164 of the node 130 contains a profile for each mobile computing device authorized to connect to the data network 102, see column 5, lines 3-7.

Regarding claims 18, and 12, the service node or gateway 130-fig. 1 inherently includes interface circuits such as transmitters and receivers for communicating with the mobile device 148 or other mobile telephone devices, wherein access to the node 130 is based on IP addressing scheme, see column 2, lines 47-54, and column 3-57 to column 4-line 48.

Regarding claim 19, the user profiles for mobile devices connected to the gateway 130 stored in the database 164-fig. 1. Further, the database 164, and the HLR 134 also store the Mobile Identification Number as a profile for the mobile device, wherein the database and the HLR are accessible via the data network, see column 7-line 61 to column 8-line 24.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tonny et al. (US 6,295,293) is cited to show a personalized universal phone service, which is considered pertinent to the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Patent Examiner



Duc Ho

8-06-03